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EXAMINER

WANG, JUE S

ART UNIT

PAPER NUMBER

2193

NOTIFICATION DATE

DELIVERY MODE

02/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/848,731	PRONK VAN HOOGEVEEN ET AL.	
	Examiner	Art Unit	
	JUE S. WANG	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2008.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-20 have been examined.
2. In view of the Appeal Brief filed on 11/24/2008, PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 14-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. Claim 14 states “a target global zone executing on a partition of a first operating system”. Examiner is unable to find support in the specification for this limitation. Rather, the specification states “the global zone (106) is the general operating system (OS) that is created when the OS is booted and executed ... In the global zone (106), administrators and/or processes having the proper rights and privileges may perform generally any task and access any device/resource that is available on the computer system on which the OS is run.” (pages 5-6, paragraph [0022] of the specification). Therefore, examiner submits that the specification does not describe a target global zone executing on a partition of a first operating system as recited in claim 14.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blaser et al. (US 7,117,495 B2, hereinafter Blaser), in view of Schaefer (US 2002/0174215 A1).

8. As per claim 1, Blaser teaches the invention as claimed, including a method for installing an application, comprising:

creating a non-global zone in a global zone, wherein the global zone executes on a first operating system (see Figs 1, 3, 4, column 3, lines 42-67, column 4, lines 7-26; EN: layers are considered as non-global zones);

installing the application in the non-global zone to obtain a remote non-global zone (see column 9, lines 5-34, column 10, lines 20-24),

packaging the remote non-global zone to obtain an application zone package; and
deploying the application zone package in a target global zone to create an installed application in a target non-global zone in the target global zone, wherein the target global zone executes on a second operating system (i.e., an application CD is built by recoding a layer of application installation and the layer is exported to a file for installation on a destination system, see column 10, lines 25-39).

Blaser does not explicitly teach that an execution environment of the application in the non-global zone is a partition an operating system.

Schaefer teaches execution environments of installed applications that are partitions of the operating system on which the installed application is executing (i.e., each application runs in a private context which provides a private view of what the system looks like, see Fig 2, [0019]).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Blaser to provide an execution environment for the application that is a partition of an operating system as taught by Schaefer because the private context provides a private view of what the system looks like to the running application such that two separate applications can be provided private contexts in which they will appear to have separate or differing copies of system services, configuration, and data (see [0019] of Schaefer).

9. As per claim 2, Blaser teaches wherein installing the application in the non-global zone comprises: determining at least one application configuration parameter for the application (see column 3, lines 44-46, column 9, lines 26-34); and

configuring the remote non-global zone using the at least one application configuration parameter (see column 4, lines 15-26, column 4, line 66 – column 5, line 2).

10. As per claim 3, Blaser teaches the at least one configuration parameter comprises a network port (see column 12, lines 35-39).

11. As per claim 4, Blaser teaches the at least one configuration parameter comprises a memory parameter (column 7, lines 48-59).

12. As per claim 5, Blaser teaches the at least one configuration parameter comprises a user account (see column 7, lines 59-67).

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13. As per claim 6, Blaser teaches wherein packaging the remote zone comprises: copying the remote non-global zone to obtain a copy of the remote non-global zone; and converting the copy of the remote non-global zone into the application zone package (see column 10, lines 20-39).

14. As per claim 7, Blaser teaches wherein the application zone package is a self-extracting file (see column 8, lines 23-27).

15. As per claim 8, Blaser teaches wherein the application zone package comprises a configuration script (i.e., the setup program, see column 10, lines 33-37).

16. As per claim 9, Blaser teaches wherein deploying the application zone package comprises:

accessing the target global zone (see column 10, lines 34-37);

configuring the target non-global zone (see column 4, lines 66-67, column 5, lines 9-10, column 10, lines 34-37);

installing the target non-global zone (see column 10, lines 34-37);

unpacking the application zone package to obtain the remote non-global zone (see column 10, lines 36-39); and

copying a copy of the remote non-global zone into a file space occupied by the target nonglobal zone (see column 10, lines 36-39).

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17. As per claim 10, Blaser teaches associating the copy of the remote non-global zone in the target global zone with hardware upon which the target global zone is executing (i.e., authentication key for a layer construction from Ethernet MAC address, see column 11, lines 39-53).

18. As per claim 11, Blaser teaches wherein associating the remote non-global zone in the target global zone with the hardware comprises specifying an internet protocol address (i.e., Ethernet MAC address, see column 11, lines 39-53).

19. As per claim 12, Blaser teaches wherein the remote non-global zone is located in a remote global zone (see Figs 1, 3, 4, column 10, lines 37-39).

20. As per claim 13, Blaser teaches the invention as claimed, including a method for installing an application, comprising:

accessing a target global zone, wherein the target global zone executes on a first operating system (see Figs 1, 3, 4);

configuring a target non-global zone based on the target global zone (see column 4, lines 66-67, column 5, lines 9-10, column 10, lines 34-37);

installing the target non-global zone (see column 10, lines 34-37);

unpacking an application zone package to obtain the application and a configuration script (see column 10, lines 30-59),

wherein the application zone package is obtained by:

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installing the application in a non-global zone of a global zone to obtain a remote non-global zone, wherein the global zone executes on a second operating system (see column 9, lines 4-34, column 10, lines 20-24); and

packaging the remote non-global zone to obtain the application zone package (see column 10, lines 28-30); and

installing the application in the target non-global zone using the configuration script (see column 10, lines 30-59).

Blaser does not explicitly teach that an execution environment of the application in the non-global zone is a partition an operating system.

Schaefer teaches execution environments of installed applications that are partitions of the operating system on which the installed application is executing (i.e., each application runs in a private context which provides a private view of what the system looks like, see Fig 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Blaser to provide an execution environment for the application that is a partition of an operating system as taught by Schaefer because the private context provides a private view of what the system looks like to the running application such that two separate applications can be provided private contexts in which they will appear to have separate or differing copies of system services, configuration, and data (see [0019] of Schaefer).

21. As per claim 14, the limitations recited in this claim are substantially similar to those recited in claim 13. Therefore, it is rejected using the same reasons as claim 13.

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22. As per claim 15, Blaser teaches a target non-global zone located in the target global zone, wherein the configuration script is configured to copy the remote non-global zone into a file space occupied by the target non-global zone (see Figs 1, 3, 4, column 10, lines 30-39).

23. As per claim 16, Blaser teaches wherein the application zone package is a self-extracting file (see column 8, lines 23-27).

24. As per claim 17, Blaser teaches the invention as claimed, including a system comprising:
a target global zone executing on a first operating system (see Figs 1, 3, 4); and
an application zone package comprising a configuration script and an application (see column 7, lines 20-23, column 9, lines 5-34, column 10, lines 25-39; EN: the setup program is the configuration script), wherein the application zone package is obtained by:

installing the application in a non-global zone of a global zone to obtain a remote non-global zone, wherein the global zone executes on a second operating system (see column 9, lines 5-34, column 10, lines 25-39); and

packaging the remote non-global zone to obtain the application zone package (see column 10, lines 28-32), and

wherein the configuration script is configured to:

create a target non-global zone in the target global zone (see column 10, lines 34-37),

configure the target non-global zone (see column 4, lines 66-67, column 5, lines 9-10, column 10, lines 34-37),

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install the target non-global zone (see column 10, lines 34-37),
install the application in the target non-global zone to create an installed
application (see column 10, lines 36-39), and
configure the application within the target non-global zone, and wherein the first
operating system executes on a processor (see Fig 4, column 9, lines 26-34, column 10, lines 36-
39).

Blaser does not explicitly teach that an execution environment of the application in the
non-global zone is a partition an operating system.

Schaefer teaches execution environments of installed applications that are partitions of
the operating system on which the installed application is executing (i.e., each application runs in
a private context which provides a private view of what the system looks like, see Fig 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time of the invention
to have modified Blaser to provide an execution environment for the application that is a
partition of an operating system as taught by Schaefer because the private context provides a
private view of what the system looks like to the running application such that two separate
applications can be provided private contexts in which they will appear to have separate or
differing copies of system services, configuration, and data (see [0019] of Schaefer).

25. As per claim 18, this is the computer system claim of claim 1. Therefore, it is rejected
using the same reasons as claim 1.

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26. As per claim 19, Blaser teaches wherein installing the application and packaging the remote nonglobal zone is performed by a vendor, and wherein the application zone package is deployed at a location of a first consumer (see column 7, lines 20-23, column 10, lines 28-39).

27. As per claim 20, Blaser teaches deploying the application zone package at a location of a second consumer (see column 7, lines 20-23).

Response to Arguments

28. Rejection of claims under §103(a):

29. As per independent claims 1, 13, 14, 17, and 18, Applicants arguments have been fully considered but are moot in light of the new grounds of rejection.

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ellison et al. (US 7,082,615 B1) is cited to teach protecting software environment in isolated execution.
- Chien et al. (US 2002/0066021 A1) is cited to teach a method for securing an application program to execute in a remote environment.
- Rochette et al. (US 2005/0060722 A1) is cited to teach a system for containerization of application sets.

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- Kavalam et al. (US 2005/0091658 A1) is cited to teach a system of operating system resource protection.

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jue S. Wang whose telephone number is (571) 270-1655. The examiner can normally be reached on M-Th 7:30 am - 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193

Jue Wang
Examiner
Art Unit 2193